

March 9, 2016

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on March 9, 2016, 10:00 a.m. Present were Commissioners Fedorchak, Christmann and Kalk.

Minutes

Ms. Fedorchak: I move the minutes of February 24, 25, 2016 be approved.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-06-421
TransCanada Keystone Pipeline, LP
30-Inch Crude Oil Pipeline/
Cavalier to Sargent County
Siting Application

Ms. Fedorchak: I move the Commission find that the tree and shrub mitigation is satisfactory and issue a siting application fee final refund in the amount of \$22,500.00 in TransCanada Keystone Pipeline, LP, 30-Inch Crude Oil Pipeline/Cavalier to Sargent Cty, Siting Application, Case No. PU-06-421.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-843
Whiting Oil and Gas Corporation
6 - inch Natural Gas Line /
Mountrail County
Siting Application

Ms. Fedorchak: I move the Commission issue a siting application fee final refund in the amount of \$86.01 in Whiting Oil and Gas Corporation, 6 – inch Natural Gas Line / Mountrail Cty, Siting Application, Case No. PU-08-843.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-08-844
Whiting Oil and Gas Corporation
8 - Inch Oil Line / Mountrail County
Siting Application

Ms. Fedorchak: I move the Commission issue a siting application fee final refund in the amount of \$44.71 in Whiting Oil and Gas Corporation, 8 – Inch Oil Line / Mountrail Cty, Siting Application, Case No. PU-08-844.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-791
Hiland Operating, LLC /
Hiland Partners Holdings
Transfer - Certificate #125 &
Permit #134
Siting Application

Ms. Fedorchak: I move the Commission issue a siting application fee refund in the amount of \$4,925.13 in Hiland Operating, LLC / Hiland Partners Holdings, Transfer – Certificate #125 and Permit #134, Siting Application, Case No. PU-15-791.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-793
Hiland Operating, LLC /
Hiland Partners Holdings
Transfer - Certificate #116 &
Permit #126
Siting Application

Ms. Fedorchak: I move the Commission issue a siting application fee refund in the amount of \$4,925.13 in Hiland Operating, LLC / Hiland Partners Holdings, Transfer – Certificate #116 & Permit #126, Siting Application, Case NO. PU-15-793.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-794
Hiland Operating, LLC /
Hiland Partners Holdings
Transfer - Certificate #149 &
Permit #160
Siting Application

Ms. Fedorchak: I move the Commission issue a siting application fee refund in the amount of \$4,925.13 in Hiland Operating, LLC / Hiland Partners Holdings, Transfer – Certificate #149 & Permit #160, Siting Application, Case NO. PU-15-794.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-15-187
Gas Pipeline Safety
Rulemaking

Ms. Fedorchak: I move the Commission adopt the Order Submitting Rules to Attorney General for an opinion as to legality in Public Service Commission, Gas Pipeline Safety, Rulemaking, Case No. GS-15-187 and Public Service Commission, Reclamation, Rulemaking, Case No. RC-15-737. Chapter 69-09-03, Pipeline Safety, Section 69-09-03-02, Adoption of Regulations Article 69-05.2, Surface Coal Mining and Reclamation Operations

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-15-737
Reclamation
Rulemaking

Blaster Re-Certification
Approval

Ms. Fedorchak: I move the Commission approve blaster re-certification for the following applicants:

No.	Applicant	Affiliation	Certificate No.
1.	Delane Bauer	Beulah Mine	01-03-249-R(5)
2.	Tim Faut	Beulah Mine	07-03-296-R(3)
3.	Jonathan Reinhardt	Beulah Mine	10-02-327-R(2)
4.	Larry Schnaidt	Beulah Mine	85-12-066-R(9)
5.	William Keller III	Freedom Mine	10-02-328-R(2)

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-160
BEK Communications Cooperative
Switched Access
Price Schedule

Ms. Fedorchak: I move the Commission bill BEK Communications Cooperative \$251.22 for costs incurred to date in BEK Communications Cooperative, Switched Access, Price Schedule, Case No. PU-12-160.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-199
Consolidated Telcom
Switched Access
Price Schedule

Ms. Fedorchak: I move the Commission bill Consolidated Telcom \$251.21 for costs incurred to date in Consolidated Telcom, Switched Access, Price Schedule, Case No. PU-12-199.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-200
Dakota Central Telecommunications
Cooperative
Switched Access
Price Schedule

Ms. Fedorchak: I move the Commission bill Dakota Central Telecommunications Cooperative \$251.22 for costs incurred to date in Dakota Central Telecommunications Cooperative, Switched Access, Price Schedule, Case No. PU-12-200.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-201
Dakota Central Telecom I, Inc.
Switched Access
Price Schedule

Ms. Fedorchak: I move the Commission bill Dakota Central Telecom I, Inc. \$251.22 for costs incurred to date in Dakota Central Telecom I, Inc., Switched Access, Price Schedule, Case No. PU-12-201.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-202
Dickey Rural Telephone Cooperative
Switched Access
Price Schedule

Ms. Fedorchak: I move the Commission bill Dickey Rural Telephone Cooperative \$251.21 for costs incurred to date in Dickey Rural Telephone Cooperative, Switched Access, Price Schedule, Case No. PU-12-202.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-203
Dickey Rural Communications, Inc.
Switched Access
Price Schedule

Ms. Fedorchak: I move the Commission bill Dickey Rural Communications, Inc. \$251.22 for costs incurred to date in Dickey Rural Communications, Inc., Switched Access, Price Schedule, Case No. PU-12-203.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-204
Griggs County Telephone Co.
Switched Access
Price Schedule

Ms. Fedorchak: I move the Commission bill Griggs County Telephone Co. \$251.21 for costs incurred to date in Griggs County Telephone Co., Switched Access, Price Schedule, Case No. PU-12-204.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-205
Inter-Community Telephone Company,
L.L.C.
Switched Access
Price Schedule

Ms. Fedorchak:
I move the Commission bill Inter Community Telephone Company, L.L.C. \$251.21 for costs incurred to date in Inter Community Telephone Company, L.L.C., Switched Access, Price Schedule, Case No. PU-12-205.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-206
Missouri Valley Communications, Inc.
Switched Access
Price Schedule

Ms. Fedorchak: I move the Commission bill Missouri Valley Communications, Inc. \$251.21 for costs incurred to date in Missouri Valley Communications, Inc. Switched Access, Price Schedule, Case No. PU-12-206.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-207
Moore and Liberty Telephone
Company
Switched Access
Price Schedule

Ms. Fedorchak: I move the Commission bill Moore and Liberty Telephone Company \$251.21 for costs incurred to date in Moore and Liberty Telephone Company, Switched Access, Price Schedule, Case No. PU-12-207.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-208
Nemont Telephone Cooperative, Inc.
Switched Access
Price Schedule

Ms. Fedorchak: I move the Commission bill Nemont Telephone \$251.22 for costs incurred to date in Nemont Telephone Cooperative, Inc., Switched Access, Price Schedule, Case No. PU-12-208.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-209
North Dakota Telephone Company
Switched Access
Price Schedule

Ms. Fedorchak: I move the Commission bill North Dakota Telephone Company \$251.21 for costs incurred to date in North Dakota Telephone Company, Switched Access, Price Schedule, Case No. PU-12-209.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-210
Northwest Communications
Cooperative, a Cooperative
Switched Access
Price Schedule

Ms. Fedorchak: I move the Commission bill Northwest Communications Cooperative \$251.22 for costs incurred to date in Northwest Communications Cooperative, a Cooperative Association, Switched Access, Price Schedule, Case No.

PU-12-210.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-211
Polar Communications Mutual Aid
Corporation
Switched Access
Price Schedule

Ms. Fedorchak: I move the Commission bill Polar Communications Mutual Aid Corporation \$251.22 for costs incurred to date in Polar Communications Mutual Aid Corporation, Switched Access, Price Access, Case No. PU-12-211.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-212
Red River Rural Telephone
Association
Switched Access
Price Schedule

Ms. Fedorchak: I move the Commission bill Red River Rural Telephone Association \$251.21 for costs incurred to date in Red River Rural Telephone Association, Switched Access, Price Schedule, Case No. PU-12-212.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-213
Reservation Telephone Cooperative
Switched Access
Price Schedule

Ms. Fedorchak: I move the Commission bill Reservation Telephone Cooperative \$251.22 for costs incurred to date in Reservation Telephone Cooperative, Switched Access, Price Schedule, Case No. PU-12-213.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-214
Turtle Mountain Telephone Company
Switched Access
Price Schedule

Ms. Fedorchak: I move the Commission bill Turtle Mountain Telephone Company \$251.22 for costs incurred to date in Turtle Mountain Telephone Company, Switched Access, Price Schedule, Case No. PU-12-214.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-215
United Telephone Mutual Aid
Corporation
Switched Access
Price Schedule

Ms. Fedorchak: I move the Commission bill United Telephone Mutual Aid Corporation \$251.21 for costs incurred to date in United Telephone Mutual Aid Corporation, Switched Access, Price Schedule, Case No. PU-12-215.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-216
West River Telecommunications
Cooperative
Switched Access
Price Schedule

Ms. Fedorchak: I move the Commission bill West River Telecommunications Cooperative \$251.21 for costs incurred to date in West River Telecommunications Cooperative, Switched Access, Price Schedule, Case No. PU-12-216.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-217
Wolverton Telephone Company
Switched Access
Price Schedule

Ms. Fedorchak: I move the Commission bill Wolverton Telephone Company \$251.22 for costs incurred to date in Wolverton Telephone Company, Switched Access, Price Schedule, Case No. PU-12-217.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-233
Dickey Rural Access, Inc.
Switched Access
Price Schedule

Ms. Fedorchak: I move the Commission bill Dickey Rural Access, Inc. \$251.22 for costs incurred to date in Dickey Rural Access, Inc., Switched Access, Price Schedule, Case No. PU-12-233.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-105
Sunflower Wind Project, LLC
Wind Energy Conversion Facility -
Stark & Morton
Siting Application

Ms. Fedorchak: I move the Commission acknowledge the February 29, 2016 Commission staff approval of site plan changes in Sunflower Wind Project, LLC, Wind Energy Conversion Facility, Stark and Morton, Siting Application, Case No. PU-14-105.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-133
Dickinson Wind, LLC
230 kV Transmission Line –
Stark County
Siting Application

Ms. Fedorchak: I move the Commission issue a siting application fee final refund in the amount of \$37,599.32 in Dickinson Wind, LLC, 230 kV Transmission Line – Stark County, Siting Application, Case No. PU-15-133.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-690
Brady Wind, LLC
Brady Wind Energy Center –
Stark County
Siting Application

Ms. Fedorchak: I move the Commission dismiss as moot the Applicants February 25, 2016 waiver application in Brady Wind, LLC, Brady Wind Energy Center – Stark County, Siting Application, Case No. PU-15-690, and Brady Wind, LLC, 230 kV Transmission Line – Stark County, Siting Application, Case No. PU-15-797.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-797
Brady Wind, LLC
230kV Transmission Line –
Stark County
Siting Application

Case No. PU-15-720
Tesoro High Plains Pipeline
Company LLC
12-inch Crude Oil Pipeline –
McKenzie County
Siting Application

Ms. Fedorchak: I move the Commission adopt the Order on Recommended Findings of Fact, Conclusions of Law and Order in Tesoro High Plains Pipeline Company LLC, 12-inch Crude Oil Pipeline – McKenzie County, Siting Application, Case No. PU-15-720.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-720
Blue Jay Wireless, LLC
Designated Eligible Carrier
Application

Mr. Christmann: I move the Commission adopt the Order on Eligible Telecommunications Carrier Designation in Blue Jay Wireless, LLC, Designated Eligible Carrier, Application, Case No. PU-14-720.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-813
Northern States Power Company
2013 Electric Rate Increase
Application

Mr. Kalk: I move the Commission appoint the Order Adopting Settlement in the captioned Northern State's Power Company's Cases., PU-12-813; PU-13-706; PU-13-707; PU-13-708; PU-13-742; PU-13-743; PU-13-194; PU-13-195.

Case No. PU-13-706
Northern States Power Company
Advance Prudence - Courtenay Wind
Application

Mr. Christmann: I second the motion.
Roll Call: All voting "Aye."

Case No. PU-13-707
Northern States Power Company
Advance Prudence - Odell Wind Pjc
Application

Case No. PU-13-708
Northern States Power Company
Advance Prudence-Pleasant Valley
Application

Case No. PU-13-742
Northern States Power Company
Advance Prudence - Border Winds
Application

Case No. PU-13-743
Northern States Power Company
150 MW Border Winds Project - Rolette
County, ND
Public Convenience & Necessity

Case No. PU-13-194
Northern States Power Company
Advance Prudence - NG Generators
Application

Case No. PU-13-195
Northern States Power Company
Red River Valley NG Units 1 & 2 -
Hankinson, ND
Public Convenience & Necessity

Case No. PU-15-166
Phoenix Construction
Damage Prevention Enforcement

Mr. Kalk: I move the Commission find the Formal Complaint filed by the North Dakota Public Service Commission Advocacy Staff on March 1, 2016, states a prima facie case and serve the complaint on the Respondent in Public Service Commission, Phoenix Construction, Damage Prevention Enforcement, Case No. PU-15-166.

Mr. Christmann: I second the motion.
Roll Call: All voting "Aye."

Case No. PU-15-217
Green Way Earthworks LLC
Damage Prevention Enforcement

Mr. Kalk: I move the Commission find the Formal Complaint filed by the North Dakota Public Service Commission Advocacy Staff on March 2, 2016, states a prima facie case and serve the complaint on the Respondent in Public Service Commission, Green Way Earthworks LLC, Damage Prevention Enforcement, Case No. PU-15-217.

Mr. Christmann: I second the motion.
Roll Call: All voting "Aye."

Case No. PU-15-704
Montana-Dakota Utilities Co.,
a Division of MDU
Generation Resource Cost Recovery
Tariff and Rates

Mr. Kalk: I move the Commission adopt the Order Approving Settlement in Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., Generation Resource Cost Recovery, Tariff and Rates, Case No. PU-15-704.

Mr. Christmann: I second the motion.
Roll Call: All voting "Aye."

Case No. PU-16-14
Otter Tail Power Company
2016 Renewable Resource Cost
Recovery Adj. Factor
Rates

Hold Over

Case No. PU-16-19
Northern States Power Company
Customer Credit - DOE Settlement
2014 - 2016
Application

Mr. Kalk: I move the Commission adopt the Order in Northern States Power Company, Customer Credit – DOE Settlement 2014 - 2016, Case No. PU-16-19.

Mr. Christmann: I second the motion.
Roll Call: All voting "Aye."

Case No. PU-15-166
Phoenix Construction
Damage Prevention Enforcement

Ms. Fedorchak: I move the Commission appoint John Schuh and Victor Schock as advocacy staff effective February 1, 2016, in Public Service Commission, Phoenix Construction, Damage Prevention Enforcement, Case No. PU-15-166.

Mr. Kalk: I second the motion.
Roll Call: All voting "Aye."

Case No. PU-15-217
Green Way Earthworks LLC
Damage Prevention Enforcement

Ms. Fedorchak: I move the Commission appoint John Schuh and Victor Schock as advocacy staff effective June 10, 2015, in Public Service Commission, Green Way Earthworks LLC, Damage Prevention Enforcement, Case No. PU-15-217.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-283
Terpening Construction Inc.
Damage Prevention Enforcement

Ms. Fedorchak: I move the Commission appoint John Schuh and Victor Schock as advocacy staff effective March 1, 2016, in Public Service Commission, Terpening Construction Inc., Damage Prevention Enforcement, Case No. PU-15-283.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-406
Cahoon Enterprises LLC
Damage Prevention Enforcement

Ms. Fedorchak: I move the Commission appoint John Schuh and Victor Schock as advocacy staff effective March 1, 2016, in Public Service Commission, Cahoon Enterprises LLC, Damage Prevention Enforcement, Case No. PU-15-406.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-571
Carstensen Contracting, Inc.
Damage Prevention Enforcement

Ms. Fedorchak: I move the Commission appoint John Schuh and Victor Schock as advocacy staff effective March 3, 2016, in Public Service Commission, Carstensen Contracting, Inc., Damage Prevention Enforcement, Case No. PU-15-571.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-16-122
Oliver Wind III, LLC
230 kV Transmission Line –
Oliver & Morton
Siting Application

Ms. Fedorchak: I move the Commission retain Mitchell D. Armstrong and Brian Schmidt to provide legal services to assist the Commission in processing Oliver Wind III, LLC, 230 kV Transmission Line, Oliver & Morton Counties, Siting Application, Case No. PU-16-122 and Oliver Wind III, LLC, Oliver III Wind Energy Center, Oliver & Morton Counties, Siting Application, Case No. PU-16-123.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-16-123
Oliver Wind III, LLC
Oliver III Wind Energy Center –
Oliver & Morton
Siting Application

Post-Probationary Period Salary
Adjustment

Ms. Fedorchak: I move the approval of a salary increase effective January 1, 2016 for Position No. 5032, based on the satisfactory completion of a six-month probationary period, in an amount consistent with the terms defined in the Commission's June 22, 2015 written offer of employment plus a three percent legislative increase, calculated using the base salary prior to adding the off-probation increase, for fiscal year 2016 authorized by SB 2015 during the sixty-fourth Legislative session.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

ATTEST


Executive Secretary

THE COMMISSION ADJOURNED AT 11:30 A.M.


JULIE FEDORCHAK, CHAIRMAN